

Application No.: 09/916611

Docket No.: 00306-00142-USU

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Johnnie R. Roberts, et al.

Application No.: 09/916611

Confirmation No.:

Filed: July 27, 2001

Art Unit: 1616

For: MANUFACTURE AND USE OF A
HERBICIDE FORMULATION

Examiner: A. Pryor

1616
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INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

I hereby certify that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

All the references cited in this disclosure statement are the references that were submitted in US 2003-0148889 (“ ‘889 application”), which **published on August 7, 2003**. The applicants have previously submitted a copy of this publication. The applicants have ordered a copy of the ‘889 file wrapper and are submitting the references cited therein which the applicants recently received. **Again, the application published less than three months ago.**

During the prosecution of the ‘889 application, three disclosure statements were filed along with one PTO form 892. The references are listed in the order that they appear in the PTO file. The US patents AA-AT were listed in the first disclosure statement. US patents AU to AA1 were listed in the second disclosure statement. The PTO form 892 lists US references AA2 and AA3. With respect to the foreign references, references BA-BQ were listed on the first form 1449 and references BR-BX were listed on the second disclosure statement. With respect to the non-patent literature documents, references CA-CL were submitted on the first disclosure statement and references CM and CN were submitted on the second disclosure statement. The third disclosure statement cited the publication of this application. References AA4-AA8 were included in the file wrapper, but not made of record.

The four references applied against the claimed invention by Examiner Clardy were Jimoh, US 6,369,001 (reference AA3 on the current Form 1449), Steller et al, US 4,816,060 (reference AA2 on the current Form 1449), Gillespie, US 6,207,617 (reference AT on the current Form 1449) and Nielsen, US 6,180,566 (reference AR on the current Form 1449). If the Examiner would like a complete copy of the file wrapper or of the Office Action, the applicants would provide a copy. However do to the volume of the file wrapper, the applicants believe that it may be easier for the Examiner to review and discuss the file wrapper with Examiner Clardy. Again, the serial number is 10/103,455 which published as US 2003-0148889.

A copy of each reference on PTO/SB/08 is attached.

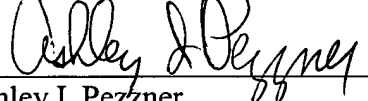
In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 00306-00142-USU. A duplicate copy of this paper is enclosed.

Dated: October 10, 2003

Respectfully submitted,

By 
Ashley I. Pezzner

Registration No.: 35,646
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P.O. Box 2207
Wilmington, Delaware 19899
(302) 658-9141
(302) 658-5614 (Fax)
Attorney for Applicant

Application No. (if known): 09/916611

Attorney Docket No.: 00306-00142-USU

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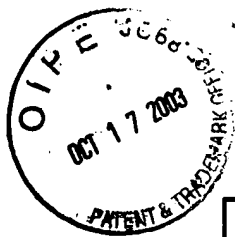
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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	09/916611-Conf. #2968
				Filing Date	July 27, 2001
				First Named Inventor	Johnnie R. Roberts
				Art Unit	1616
				Examiner Name	A. Pryor
Sheet	1	of	2	Attorney Docket Number	00306-00142-USU

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA	US-3755339	08/1973	McKendry	
	AB	US-3761486	09/1973	McGregor	
	AC	US-4445925	05/1984	Young	
	AD	US-4994101	02/1991	Young	
	AE	US-5118338	06/1992	Moller	
	AF	US-5268352	12/1993	Dexter	
	AG	US-5270286	12/1993	Ong	
	AH	US-5288692	02/1994	Young	
	AI	US-5317042	05/1994	Narayanan	
	AJ	US-5565409	10/1996	Sato et al.	
	AK	US-5668085	09/1997	Forbes et al.	
	AL	US-5707928	01/1998	Baker	
	AM	US-5994271	11/1999	Ravetta et al.	
	AN	US-6069115	05/2000	Pallett et al.	
	AO	US-6071857	06/2000	Vogt et al.	
	AP	US-6165939	12/2000	Agbaje et al.	
	AQ	US-6180563	01/2001	Ruegg et al.	
	AR	US-6180566	01/2001	Nielsen et al.	
	AS	US-6187715	02/2001	Narayanan et al.	
	AT	US-6207617	03/2001	Gillespie	
	AU	US-4971630	11/1990	Skaptason	
	AV	US-3937826	02/1976	Harris	
	AW	US-5189414	02/1993	Tawara	
	AX	US-5221319	06/1993	Van Haften et al.	
	AY	US-5280008	01/1994	Cahoy et al.	
	AZ	US-5328889	07/1994	Van Haften et al.	
	AA1	US-5416067	05/1995	Van Haften et al.	
	AA2	US-4816060	03/1989	Steller et al	
	AA3	US-6369001	4/2002	Jimoh	
	AA4	US-4767,448	08/1988	Nielsen	
	AA5	US-4863506	09/1989	Young	
	AA6	US-5176736	01/1993	Narayanan et al.	
	AA7	US-5510322	04/1996	Young	
	AA8	US-6355799	03/2002	Gupta et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	BA	GB-2267825	12/1993			
	BB	CA-1225533	08/1987			
	BC	EP-0334041	09/1989			
	BD	WO-92/21686	12/1992			
	BE	DE-2328192	01/1974			
	BF	GB-2230955	11/1990			
	BG	EP-0243522	11/1987			

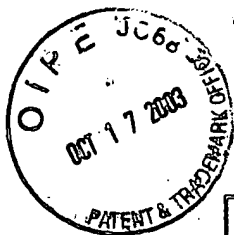
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Sheet	2	of	2	Attorney Docket Number	00306-00142-USU
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Complete If Known

Application Number	09/916611-Conf. #2968
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First Named Inventor	Johnnie R. Roberts
Art Unit	1616
Examiner Name	A. Pryor
Attorney Docket Number	00306-00142-USU

BH	EP-0216126	04/1987		
BI	EP-0100440	02/1984		
BJ	EP-0433577	06/1991		
BK	EP-0454968	11/1991		
BL	WO-96/08150	03/1996		
BM	WO-01/52650	07/2001		
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BS	EP-0217125	04/1987		
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BV	EP-0703724	02/2002		
BW	WO-98/17109	04/1998		
BX	WO-00/42847	07/2000		

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NON PATENT LITERATURE DOCUMENTS

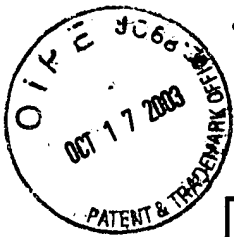
Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA	PCT/US02/08830 International Search Report	
	CB	PCT/US02/08787 International Search Report	
	CC	PCT/US02/08952 Annex to Form PCT/ISA/206, Communication Relating to the Results of the Partial International Search	
	CD	PCT/US02/08953 Annex to Form PCT/ISA/206, Communication Relating to the Results of the Partial International Search	
	CE	Milton J. Rosen, "Surfactants and Interfacial Phenomena," John Wiley & Sons, pp. 239-240 (1978)	
	CF	Briggs et al., "Physico-chemical Factors Affecting Uptake by Roots and Translocation to Shoots of Weak Acids in Barley," Pesticide Science, Vol. 19, pp. 101-112 (1987)	
	CG	Wyrill, J.B. et al., "Glyphosate Toxicity to Common Milkweed and Hemp Dogbane as Influenced by Surfactants," Weed Science, Vol. 25, No. 3 pp. 275-287 (May 1977)	
	CH	Tomlin, C., Ed., The Pesticide Manual, Tenth Edition, p. 1338, (1995)	
	CI	Chemical Abstracts, Turner et al., "Complexing agents as herbicide additives," Weed Res., Vol. 18, No. 4, pp. 199-207 (1978)	
	CJ	Chemical Abstracts, McMullan, "Effect of adjuvant and acidifying agent on imazamethabenz efficacy," Can.J.PlantSci., Vol. 72, No. 4, pp. 1389-1392 (1992)	
	CK	Chemical Abstracts, Zsoldos et al., "Effects of pH changes on ion and 2,4-D uptake of wheat roots," Dep. Plant Physiol., pp. 77-80 (1978)	
	CL	Chemical Abstracts, Shone et al., "Absorption and translocation of 2,4-dichlorophenoxyacetic acid (2,4-D) by barley roots," Annu. Rep. - Agric. Res. Council, pp. 32-33 (1973)	
	CM	Chemical Abstracts, Sherrick et al., "Effects of adjuvants and environment during plant development on glyphosate adsorption and translocation in field bindweed," Weed Sci., Vol.	

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		34, No. 6, pp. 811-816 (1986)	
	CN	PCT/US02/08952 International Search Report	
	CO	PCT/US02/08953 International Search Report	

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